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PART III.

Legislative Measures and Rules thereunder.

REGULATION IV OF 1925.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE SEVENTH DAY OF JULY 1925.)

A Regulation to provide for the Registration, Segregation and Medical treatment of certain classes of lepers and the control of lepers following certain callings.

Whereas it is expedient to provide for the registration, segregation and medical treatment of certain classes of lepers and the control of lepers following certain callings, His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the Lepers Regulation, 1925

" (2) It extends to the whole of Mysore.

" (3) It shall not come into force in any part thereof until the Government, as hereinafter provided, has declared it applicable thereto.

" (4) The Government may, by notification in the official Gazette, apply this Regulation or any part thereof to the whole or any portion of the State.

2. In this Regulation unless there is anything repugnant in the subject or context,—

(1) "leper" means any person suffering from any variety of leprosy.

(2) "pauper leper" means a leper—

(a) who publicly solicits alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms, or

(b) who is at large without any ostensible means of subsistence;

Title, extent
and com-
mencement.

Definitions

Appointment of leper asylums by Government.	<p>(3) "leper asylum" means a leper asylum appointed under Section 3; and</p> <p>(4) "Board" means a Board constituted under Section 5.</p> <p>3. Government may, by notification in the official Gazette, appoint any place to be a leper asylum if it is satisfied that adequate arrangements have been made or will be made for the accommodation and medical treatment of lepers therein, and may by a like notification, specify the local areas from which lepers may be sent to such asylum</p>
Appointment of Inspectors of Lepers and Superintendents of Asylums.	<p>4. Subject to any rules which may be made under section 17, the Government may appoint any medical officer of the State or other qualified medical man to be an Inspector of Lepers and any person to be a Superintendent of a Leper Asylum, with such establishment as may, in its opinion, be necessary, and every Inspector or Superintendent so appointed shall be deemed to be a public servant.</p>
Constitution of Board.	<p>5. The Government shall constitute for every leper asylum appointed under section 3 a Board consisting of not less than three members, one of whom at least shall be a medical officer of the State.</p>
Registration of lepers.	<p>6. (1) Whenever an officer in charge of a Police Station has reason to believe that a leper is residing within the limits of such station whether temporarily or permanently, he shall forthwith send a report of the same to the Inspector of Lepers who, after making such enquiry as may be necessary, shall, if he finds that such person is a leper within the meaning of section 2, cause his name to be entered in a register in the form prescribed by the rules.</p>
Arrest of pauper lepers.	<p>Any person deeming himself aggrieved by an entry made in such register, may complain to the District Magistrate against such entry, and the District Magistrate may after such enquiry as he deems fit, retain such person's name on the register or remove it therefrom as he may think fit.</p> <p>(2) (a) Within the area specified in section 3, any Police Officer may without a warrant arrest any person who appears to him to be a pauper leper;</p> <p>(b) such Police Officer shall forthwith take or send the person so arrested to the nearest convenient Police Station.</p>
Person arrested how to be dealt with.	<p>7. (1) Every person brought to a police station under the last foregoing section shall, without unnecessary delay, be taken before an Inspector of Lepers, who,</p> <p>(a) if he finds that such person is not a leper within the meaning of section 2, shall give him a certificate in Form A set forth in the schedule, whereupon such person shall be forthwith released from arrest;</p> <p>(b) if he finds that such person is a leper within the meaning of section 2, shall give to the Police Officer, in whose custody the leper is, a certificate in Form B set forth in the schedule, whereupon the leper shall, without unnecessary delay, be taken before a Magistrate having jurisdiction under this Regulation.</p>
Lepers other than pauper lepers how to be dealt with.	<p>(2) Whenever, within any local area, which has been specified under section 3, it is brought to the notice of a Police or Sanitary Officer not below the rank of an Inspector that a leper other than a pauper leper residing therein, is unable to take proper care of himself and is not properly taken care of by any friend or relative and that in consequence thereof infection is likely to spread to other persons, such Police or Sanitary Officer shall forthwith make a report of the same to the Inspector of Lepers, who after making such examination of the leper and such enquiry as may be necessary, shall, if he finds that such a person is a leper, make a report of the same to the Magistrate having jurisdiction under the Regulation accompanied by a certificate in Form B. Such Magistrate shall issue a warrant in form C set forth in the schedule for the arrest and production of the leper before him on a date to be specified in the warrant.</p>

8. (1) If it appears to any District Magistrate or Magistrate of the 1st class or to any other Magistrate authorised in this behalf by the Government, upon the certificate in Form B set forth in the schedule, that any person is a leper, and if it further appears to the Magistrate that the person is a pauper leper, or that he is unable to take proper care of himself and is not properly taken care of by any friend or relative, he may, after recording the evidence on the abovementioned points, and his order thereon, send the leper in charge of a Police Officer together with an order in Form D set forth in the schedule, to a leper asylum, where such leper shall be detained until discharged by order of the Board or the District Magistrate :

Procedure with regard to pauper lepers and lepers not properly taken care of.

Provided that, if the person denies the allegation of leprosy, the Magistrate shall call and examine the Inspector of Lepers, and shall take such further evidence as may be necessary to support or to rebut the allegation that the person is a leper, and may for this purpose adjourn the enquiry from time to time, remanding the person for observation or for other reason to such place as may be convenient, or admitting him to bail :

Provided also that if any friend or relative of any person found to be a leper shall undertake in writing to the satisfaction of the Magistrate that such leper shall be properly taken care of, and shall be prevented from publicly begging in any area specified under section 3, or from spreading the infection to others, the Magistrate, instead of sending the leper to an asylum, may make the leper over to the care of such friend or relative, requiring him, if he thinks fit, to enter into a bond with one or more sureties, to which the provisions of section 514 of the Code of Criminal Procedure shall be applicable.

(2) If the Magistrate finds that such person is not a leper, he shall forthwith discharge him.

9. (1) The Government may, by notification in the official Gazette, order that no leper shall, within the area specified under section 3 :—

Power to prohibit lepers from following certain trades and doing certain acts.

(a) personally prepare for sale or sell any article of food or drink or any drugs or clothing intended for human use ; or

(b) bathe, wash cloths or take water from any public well or tank debarred by any municipal or local bye-law from use by lepers ; or

(c) drive, conduct or ride in any public carriage plying for hire other than a railway carriage ; or

(d) exercise any trade or calling which may by such notification be prohibited to lepers.

(2) Any such notification may comprise all or any of the above prohibitions.

(3) Whoever disobeys any order made pursuant to the powers conferred by this section shall be punishable, with fine which may extend to twenty rupees :

Provided that, when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an Inspector of Lepers, and shall not proceed with the case unless such Inspector furnishes a certificate in Form E set forth in the schedule, in respect of such person.

10. (1) Whenever any leper who has been convicted of an offence punishable under the last foregoing section is again convicted of any offence punishable under that section, the Magistrate may, in addition to, or in lieu of, any punishment to which such leper may be liable, require him to enter into a bond, with one or more sureties, binding him to depart forthwith from the local area specified under section 3 in which he is, and not to enter that or any other local area so specified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule.

Conviction after previous conviction.

(2) If any such leper fails to furnish any security required under sub-section (1), the Magistrate may send him in charge of a Police Officer, with an order in Form E set forth in the schedule, to a leper asylum where such leper shall be detained until discharged by order of the Board or the District Magistrate.

(3) The powers conferred by this section shall only be exercised by a District Magistrate or Magistrate of the first class.

Penalty on person employing lepers in prohibited trade.

11. Any person who, within any area specified under section 3, knowingly employs a leper in any trade or calling prohibited by order under section 9 shall be punishable with fine which may extend to fifty rupees:

Provided that the alleged leper shall be produced before the Magistrate and the Magistrate shall cause him to be examined by an Inspector of Lepers, and shall not proceed with the case unless such Inspector furnishes a certificate in Form B set forth in the schedule in respect of such alleged leper.

Appeal from orders of Magistrates.

12. Orders passed by a Magistrate under sections 9, 10, and 11, shall be appealable to the courts to which appeals ordinarily lie under the Code of Criminal Procedure, 1904.

Re-arrest of escaped lepers.

13. Whoever, having been sent to a leper asylum under an order of a Magistrate in Form D or Form E set forth in the schedule escapes from, or leaves the asylum without the permission in writing of the Superintendent thereof, may be arrested without a warrant, by any Police Officer or by any other person specially empowered by the Government by order in writing in this behalf, and upon arrest shall be forthwith taken back to the leper asylum.

Inspection by Board.

14. Two or more members of the Board, one of whom shall be the medical officer, shall, once at least in every three months, together, inspect the leper asylum for which they are constituted, and see and examine (a) every leper therein admitted since the last inspection, together with the order for his admission, and (b) as far as circumstances will permit, every other leper therein, and shall enter in a book to be kept for the purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the lepers therein.

Order of discharge by Board or District Magistrate.

15. Any two members of the Board, one of whom shall be the medical officer, or the District Magistrate, may at any time by an order in writing in Form F set forth in the schedule and signed by them, direct the discharge from the leper asylum of any leper detained therein under the provisions of this Regulation.

Appeals.

16. Any person, other than a pauper leper, in respect of whom an Inspector of Lepers has issued a certificate in Form B set forth in the schedule, declaring him to be a leper, or has refused to issue a certificate in Form A set forth in the schedule, may appeal against the issue or refusal of any such certificate to such officer as may be appointed by the Government in this behalf, and the decision of such officer shall be final.

Power of the Government to make rules

17. The Government may, by notification in the official Gazette, make rules generally for carrying out the purposes of this Regulation and in particular—

- (a) for the guidance of all or any of the officers discharging any duty under this Regulation; and
- (b) for the management of, and the maintenance of discipline in a leper asylum.

Power to local authorities to expend funds and appropriate properties to asylums.

18. Notwithstanding anything in any enactment with respect to the purposes to which the funds or other property of a local authority may be applied, any local authority may—

- (a) establish or maintain, or establish and maintain, or contribute towards the cost of the establishment or maintenance or the establishment and maintenance of, a leper asylum either within or without the local limits of such local authority;

(b) with the previous sanction of the Government and subject to such conditions as Government may prescribe, appropriate any immovable property vested in or under the control of, such body, as a site, for, or for use as, a leper asylum.

19. No suit, prosecution or other legal proceeding shall lie against any officer or person in respect of anything in good faith done or intended to be done under, or in pursuance of, the provisions of this Regulation.

Protection to persons acting bona fide under Regulation.

SCHEDULE.

A.—CERTIFICATE.

I, the undersigned (here enter name and official designation), hereby certify that I on the _____ day of _____ at _____ personally examined (here enter name of person examined) and that the said _____ is not a leper as defined by the Lepers Regulation, 1925.

Given under my hand this _____ day of _____ 192_____

(Signature.)

Inspector of Lepers.

B.—CERTIFICATE.

I, the undersigned (here enter name and official designation), hereby certify that I on the _____ day of _____ at _____ personally examined (here enter name of leper), and that the said _____ is a leper as defined by the Lepers Regulation, 1925 and that I have formed this opinion on the following grounds, namely:—

(Here state the grounds.)

Given under my hand this _____ day of _____ 192_____

(Signature.)

Inspector of Lepers.

C.—WARRANT CASES.

[Section 7 (2).]

To, _____

(Name and designation of the person or persons who is or are to execute the warrant.)

Whereas the Inspector of Lepers (designation in full) makes a report under section 7 (2) of the Lepers Regulation, 1925 that _____ is a leper, you are hereby directed to arrest the said _____ and to produce him before me on _____

Herein fail not.

Dated this _____ day of _____ 192_____

Seal.

Signature.

D.—WARRANT OF DETENTION.

(Section 8.)

To

THE SUPERINTENDENT OF THE LEPER ASYLUM AT

WHEREAS it has been made to appear to me that (*name and description*) is a pauper leper as defined in the Lepers Regulation 1925 or a leper as defined in the Regulation who cannot take proper care of ^{himself}_{herself} or be properly taken care of by ^{his}_{her} friend or relative.

This is to authorise you the said Superintendent, to receive the said ^{him}_{her} into your custody together with this order and ^{he}_{she} safely to keep in the said asylum until ^{he}_{she} shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this day of

192

(Signature.)



Magistrate.

E.—WARRANT OF DETENTION.

(Section 10.)

To

THE SUPERINTENDENT OF THE LEPER ASYLUM AT

WHEREAS (*name and description*) has this day been convicted by me of an offence punishable under section 9 of the Lepers Regulation, 1925 and whereas it has been proved before me that the said (*name and description*) was previously convicted of an offence punishable under the same section.

This is to authorise you, the Superintendent, to receive the said ^{him}_{her} into your custody together with this order and ^{he}_{she} safely to keep in the said asylum until ^{he}_{she} shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this day of

192

Signature.



Magistrate.

F.—ORDER OF DISCHARGE BY BOARD OR THE DISTRICT MAGISTRATE.

(Section 15.)

To

THE SUPERINTENDENT OF THE LEPER ASYLUM AT

WHEREAS (*name and description*) was committed to your custody under an order dated the ^{day} of ¹⁹² and there have appeared to us sufficient grounds for the opinion that ^{he}_{she} can be released without hazard or inconvenience to the community.

This is to authorise and require you forthwith to discharge the said (*name*) from your custody.

Given under ^{our hand}_{my hand} this ^{day} of ¹⁹²

(Signature.)

Members of the Asylum Board or the District Magistrate.

A. R. BANERJI,

Dewan.

NOTIFICATION.

No. 702, dated 8th August 1925.

Under Rule 8 of the Rules of Business and Procedure in the Mysore Legislative Council published with Notification No. P. 4347—Legis. 13-23-22, dated 5th February 1924, the following bills are published together with the statements of objects and reasons:—

- (1) The Mysore Village Panchayet Bill;
- (2) The Mysore District Boards Bill; and
- (3) The bill to amend the Mysore Municipal Regulation, VII of 1906.

By Order,

R. RANGA RAO,

Secretary, Legislative Council.

THE MYSORE VILLAGE PANCHAYET BILL.

CHAPTER I.

PRELIMINARY.

Whereas it is expedient to make better provision for the administration of village affairs by the villagers themselves and thereby develop the system of Self-Government in the rural areas of the State; It is hereby enacted as follows:—

1. This Regulation may be called the Mysore Village Panchayet Regulation, 1925. Preamble.

(2) It extends to the whole of Mysore. Short Title.

(3) It shall come into force in any district or part of a district on such date as the Government may, by notification, direct. Extent.

2. On and from the date on which this Regulation comes into force in any district or part of a district. Commencement.

(a) the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of a district; Repeal.

(b) but all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be realised under the provisions of this Regulation;

(c) when in consequence of the repeal of the enactments referred to in sub-section (a) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine.

3. In this Regulation, unless there is something repugnant in the subject or context, Interpretation

(1) "building" includes a house, shop, warehouse, workshop, hut and shed;

(2) "village forest" means a forest constituted as such under the Mysore Forest Regulation;

(3) "panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation;